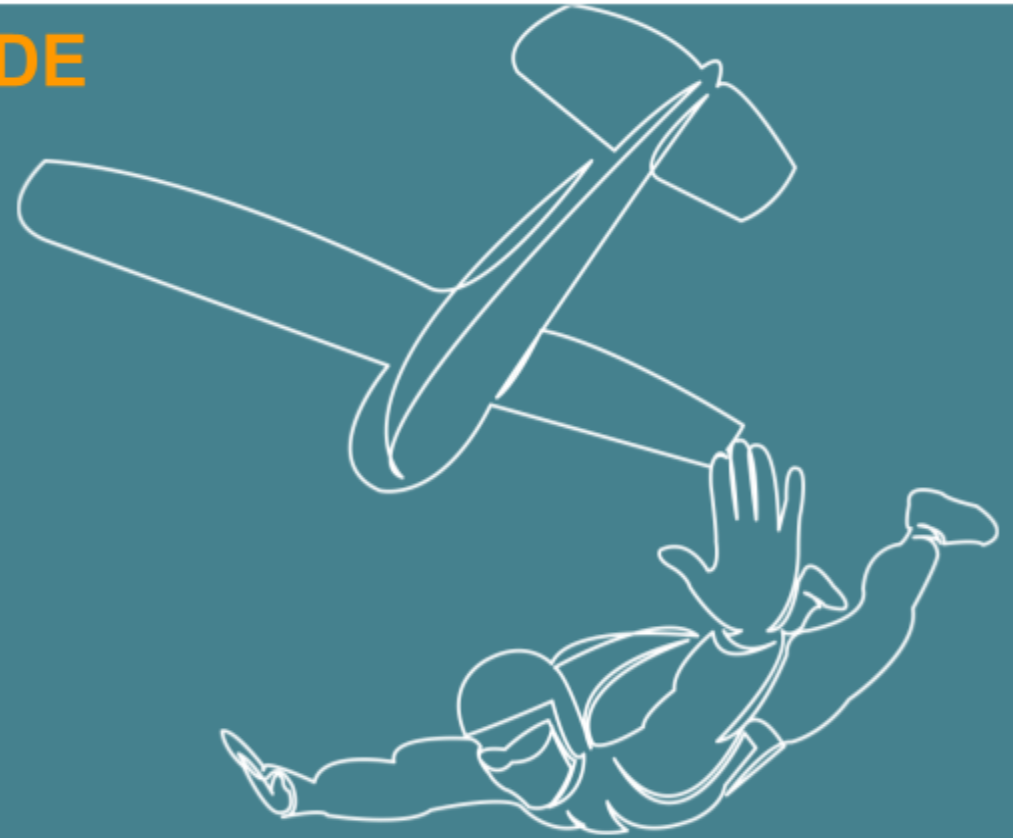


PROJECT PARACHUTE

VICTIM-SURVIVOR'S GUIDE



PROJECT PARACHUTE

VICTIM-SURVIVOR'S GUIDE

IMPORTANT DISCLAIMER	2
GLOSSARY	3
LEGAL COURSES OF ACTION	10
Brief Differences between Civil and Criminal Remedies	10
CRIMINAL LAW ENFORCEMENT	12
Consequences of victim-survivor “tapping out” of Criminal Litigation	17
Preserving evidence	18
Protection of Victim-survivor in Criminal Justice Process	20
Duration of Criminal Justice Process	22
Communication with the Authorities	22
MAGISTRATE'S COMPLAINT (PRIVATE PROSECUTION)	23
Filing a Magistrate's Complaint	24
Financial Costs	24

PROTECTION FROM HARASSMENT ACT (CIVIL)	25
Types of claims under the POHA	25
Protection Orders help to prevent future harm	25
Is a lawyer needed to file a POHA claim?	26
How can a Complainant file a POHA claim without a lawyer?	26
WOMEN'S CHARTER (CIVIL)	26
Costs and Filing a Personal Protection Order	27
CIVIL PROCEEDINGS FOR COMPENSATION	28
RESOURCES AND SUPPORT SERVICES	29
NUS Care Unit	29
Non-NUS Resources	31
Services for Civil and Criminal Matters	31
Services for Criminal Matters Only	37
Services for Civil Matters Only	39

IMPORTANT DISCLAIMER

Hello! The team behind this guide worked tirelessly to ensure the accuracy of its contents to the best of our abilities while relying only on publicly available information. We hope that it is of some help to you. However, **all information in this guide do not constitute and should not be taken to be legal advice. You should obtain specific legal advice from a lawyer before taking any legal action and decision. You rely on the information in this resource at your own risk and discretion.**

We are also aware of publicly available anecdotal accounts of institutional processes that may be contrary to the information in this guide. We are unable to confirm or dispute these anecdotal accounts. Instead, we encourage you to do your own research beyond this resource and seek professional advice before making any decisions.

We also advice that you first browse through the Section "Glossary" before reading the rest of this guide to maximize your reading experience.

CONTENT WARNING: Lastly, this guide **contains materials that overtly discusses sexual offences and violence and the institutional processes that addresses these offences and violence.** Kindly refer to it at your own discretion.

GLOSSARY

A. Terms Used to Refer to Victim / Perpetrator:

Various terms are used throughout the document to refer to:

- 1) The person who has been harmed (victim-survivor)
- 2) The person who has harmed someone else (perpetrator).

Person who has been harmed	Person who has harmed someone else	Legal Process/ Context	Remarks
Victim-survivor¹ Client (referred to in the context of various victim-survivor support services and resources)	Perpetrator	In this guide.	<p>These terms are not legal terms, but shorthand for someone who has been harmed, or someone who has harmed someone else.</p> <p>For instance, even if an alleged perpetrator is not convicted, they remain a perpetrator if they have actually harmed someone else.</p>
Criminal Proceedings			
Complainant	Accused/ Defendant <i>A person who has been charged with a criminal offence.</i>	Police investigation (where the perpetrator has been charged by the Attorney-General's Chambers) or when the trial is ongoing.	However, note that the Complainant is not the one prosecuting the Accused. Prosecutors from Attorney-General's Chambers will be the ones prosecuting.

¹ This term is not a term referred to in the legal sources of information that was consulted in the creation of this resource.

<i>Victim (italicised)</i>	Offender A person <i>who has committed an offence</i> .	1) Under the law (e.g statute) <i>or</i> 2) When a trial has concluded and the Accused is found guilty.	<p>In criminal law provisions (e.g. the Penal Code), the offender is the person who engages in acts that constitute an offence.</p> <p>The word “<i>victim</i>” is italicised here to differentiate it from other uses of the word “victim-survivor” (above). Here, “<i>victim</i>” refers to a situation where the courts have made a determination that the offence was committed.</p> <p>We use “victim” without italics in other situations when we are discussing a situation where someone has been harmed by another person. This refers to a factual state rather than one that is legally determined. Even if someone’s perpetrator is never prosecuted or convicted, it does not change the fact that harm was inflicted on the victim.</p>
Civil Proceedings			
Applicant / Claimant / Complainant/ Plaintiff <i>The party who is filing an application or civil claim</i>	Respondent <i>The party against whom an application or civil claim is filed.</i>	When a private individual is filing for an application or civil claim.	This includes scenarios such as: <ul style="list-style-type: none"> • Applying for a Protection Order under the Protection from Harassment Act • Starting a civil suit against the perpetrator for damages; and Filing a Magistrate’s complaint

B. Organisations/People Involved in Legal Processes

Attorney-General's Chambers (AGC) , also referred to as the Prosecution/ Public Prosecutor	The AGC decides whether or not to charge a person for a criminal offence, and what offence the person should be charged with. At trial, prosecutors from the AGC will work to establish the accused's guilt in Court.
Prosecutors , or Deputy Public Prosecutors (DPP) who often represent and/or assist the Public Prosecutor	Lawyers who represent the AGC in criminal cases. Prosecutors from the AGC work together with witnesses and the Singapore Police Force.
Defence Counsel	A lawyer who represents the accused. The Defence Counsel puts forth the best case for the accused, and may, amongst other things: <ol style="list-style-type: none">1) Challenge whether the accused is guilty of a crime; and/or2) Highlight mitigating factors that favour a more lenient sentence if the accused is eventually convicted of a crime
Singapore Police Force (SPF)	The SPF works with the AGC in handling criminal offences. The SPF investigates complaints, and can also recommend a charge. However, the ultimate decision to charge someone with a particular offence lies with the AGC.
Investigation Officer (IO)	Investigation Officers (Police) investigate complaints of criminal offences. They take statements from complainants, and also are a point of contact for updates about investigations.

OneSAFE Centre	The One Stop Abuse Forensic Examination Centre (OneSAFE Centre) is located at Police Cantonment Complex. It is where victim-survivors can obtain medical forensic examination. It is a facility that ensures one's privacy and safety, even in the process of collecting evidence and examining.
Victim Care Officer	Victim Care Officers are part of the Victim Care Cadre project started by the SPF. They are volunteers who: ² <ol style="list-style-type: none"> 1) Are at least 21 years of age; 2) Possess relevant qualifications and experience in counselling, psychology and/or social work; and 3) Have underwent a training programme conducted by trained psychologists.

C. Legal Terminology

<i>Criminal Proceedings</i>	
Charge	Official document prepared by the Prosecution that typically includes information on the date, time, place and nature of the offence alleged to have been committed by the accused. This also contains details of the legal provisions that the accused is believed to have contravened.
Trial	An event in court held for the purpose of determining whether the accused is guilty of the charge(s).
Defence	<p>This differs from “Defence Counsel”, which refers to the lawyer who acts for the Accused, although “Defence” is sometimes also used as a shorthand reference to the Defence Counsel.</p> <p>A defence is a set of facts/circumstances that may be relied on by the Defence Counsel to relieve the Accused of any criminal liability. If the defence is accepted by the Court, the Court will rule that the Accused is not guilty.</p>

² Parliamentary Debate, Volume 92, Session 2, 8 September 2014, Mr Teo Chee Hean.

Witness	<p>A person who is called by the Prosecution or the Defendant to give evidence at a trial. A witness has to be sworn or affirmed to formally promise to tell the truth before giving evidence. A victim can be a witness.</p> <p>Other persons who are able to provide information on matters relevant to the charges and sentence faced by the Accused may also serve as witnesses. Other persons who are frequently called as witnesses include police officers involved in the investigations, experts such as psychiatrists or doctors, and persons who may have witnessed certain facts relevant to the charges in question.</p>
Judgement	<p>If the Accused claims trial, after the trial, the Court may make a judgement that the Accused is guilty. The proceedings will then proceed to sentencing before a Sentencing Court.</p> <p>Otherwise, the Court may rule that the Accused is acquitted.</p> <p>The judgement may be delivered as an oral or written judgement. It may be delivered immediately after the end of trial or on a later date.</p>
Sentence	<p>The punishment imposed by the Court on an Accused who has been convicted of the charges brought against him/her/them.</p> <p>The process of deciding on a sentence is known as “sentencing”.</p>
Aggravating factors	Facts and circumstances that invite a heavier punishment are considered by the Court in sentencing.
Mitigating factors	Facts and circumstances that invite a more lenient punishment are considered by the Court in sentencing.
Victim Impact Statement	<p>This can be any statement relating to any harm suffered by any person as a direct result of an offence, which includes physical bodily harm or psychological or psychiatric harm. This is not necessary in every case, but the Prosecution may sometimes ask the victims to write a statement describing the effect the offences had had on the victim. This may be provided as part of sentencing procedure.</p>

D. Legislation

S <number>	<p>This stands for “section”, or “sections” in the case of “ss”.</p> <p>For instance, “Penal Code, s 377BC” refers you to section 377BC of the Penal Code.</p>
Penal Code³	<p>The main source of legal provisions for criminal offences. The Penal Code sets out offences such as rape, sexual assault involving penetration, outrage of modesty, voyeurism and sexual exposure (i.e flashing).</p>
Protection from Harassment Act (POHA)⁴	<p>The Protection from Harassment Act protects all persons from harassment, stalking, cyber-bullying, and other anti-social and undesirable behaviours. An applicant under the POHA can obtain both criminal sanctions and civil remedies against the perpetrator. From 1 June 2021, a specialist court known as the Protection from Harassment Court (PHC) was established to hear all criminal and civil matters under the POHA.</p>
Women’s Charter⁵	<p>The Women’s Charter is an Act that serves as another source of legal provisions for criminal offences, particularly those committed against women and girls.</p>
Criminal Procedure Code⁶	<p>The Criminal Procedure Code provides for criminal procedure in Singapore. This includes obligations that the police must comply with, rules regarding the protection of victim’s identities (where sexual offences are concerned), and the obligation to report certain crimes.</p>

³ <https://sso.agc.gov.sg/Act/PC1871>.

⁴ <https://sso.agc.gov.sg/Act/PHA2014?ProvIds=pr3->.

⁵ <https://sso.agc.gov.sg/Act/WC1961>.

⁶ <https://sso.agc.gov.sg/Act/CPC2010>.

LEGAL COURSES OF ACTION



LEGAL COURSES OF ACTION

Generally, there are five legal courses of action that a victim-survivor can take:

1. Criminal Law Enforcement
2. Magistrate's Complaint (Private Prosecution)
3. Protection from Harassment Act (Civil Remedies)
4. Women's Charter (Civil Remedies)
5. Civil Proceedings for Compensation

Brief Differences between Civil and Criminal Remedies

	Criminal Law		Civil Law
Examples of Laws	Penal Code, Protection from Harassment Act etc.		Protection from Harassment Act, Assault, Battery, Defamation etc.
Outcome/ Relief	<p>The Court may sentence the offender to imprisonment or fines. The money from fines go to the State, instead of the person who has been harmed (unlike compensation).</p> <p>Courts may sometimes order offenders to compensate <i>victims</i>. However, if this does not occur, <i>victims</i> must file a civil suit against the offender to obtain compensation.</p>		Civil Law is mainly used to claim compensation for harm, loss or injury to the person or to property. No criminal liability will result.
Courses of Actions	Public Prosecution	Private Prosecution (Magistrate's Complaint) *For offences that are punishable only by fine or with up to 3 years' imprisonment. ⁷	Civil Suit

⁷ Singapore Legal Advice, "Magistrate's Complaints, Private Summons and Private Prosecutions in Singapore" (<https://singaporelegaladvice.com/law-articles/magistrates-complaints-private-summons-and-private-prosecutions-in-singapore/>).

Who investigates/ collect evidence and sues?	<p>The Singapore Police Force (and any other relevant authorities) investigates.</p> <p>Public Prosecutor (Attorney-General's Chambers), representing the State, charges the accused.</p>	<p>Private Individuals (i.e the victim-survivor) and their criminal lawyer(s) conduct the private prosecution.</p> <p>This typically occurs when a police report has been filed, but the case is not being pursued by law enforcement.</p>	Private Individuals (i.e the victim-survivor) and their lawyer(s).
Does the victim-survivor bear the legal costs	No	Yes	Yes

CRIMINAL LAW ENFORCEMENT



Filing of Police Report	Police Investigation and Interviews	Possible Outcomes
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A. Emergency Situations
(24/7)

- Call “999” for immediate police assistance
- Emergency SMS “71999” for immediate police assistance if it is not safe to talk) In the SMS, include: (a) Information on the nature of emergency (what has happened or is happening), and (b) the location.

B. Non-emergency Situations

- Police Hotline: 1800 255 0000 (to provide

A. Arrestable vs Non-Arrestable

After a police report is made, the police will investigate the case in order to determine if the offence is arrestable¹⁴. For arrestable offences, after the arrest is made, the Prosecution has 48 hours to formally file charges against the perpetrator¹⁵.

Arrestable Offences

Non-arrestable Offences

In Summary, the Prosecution may decide on the following outcomes:

- A. No further action is taken
- B. Stern Warning
- C. Conditional warning
- D. Charge in Court

To elaborate:

A. No further action is taken

- **Significance:** No evidence or insufficient evidence to show an offence has been committed⁴²

¹⁴ Singapore Legal Advice, “Arrestable and Non-Arrestable Offences in Singapore”

(<https://singaporelegaladvice.com/law-articles/arrestable-or-not-seizable-and-non-seizable-offences-in-singapore/>)

¹⁵ Singapore Legal Advice, “Police Custody in Singapore: What You Should Know” (<https://singaporelegaladvice.com/law-articles/police-custody-singapore/>)

⁴² AGC, Frequently Asked Questions

(https://www.ifaq.gov.sg/agc/apps/fcd_faqmain.aspx?qst=hRhkP9BzcBImsx2TBssMsxu7lqt6UJK70a1wAEVmyegZvLqIdSXEv9s1Sp%2FhPxkiA7vJqiERTx7EqNQvI6eOhHGawZ9ZSkcrntCUljO3oUHQKOGVDKCGyRRRKFM9zOuz1rrIOdlqS9TzYW074yfg3IKMSrUsWicxMKv5tm8IHxELZ7ozsdTvPDcu2Htohmixixac6IT5U%2FJ730FkX1yCh3bq%2FEazxsRWizPKXU8%3D#FAQ_1111131).

<p>crime-related information to the police⁸)</p> <ul style="list-style-type: none"> - Visit nearest Police Centre (24/7) or Police Post (12pm-10pm daily) to file a report⁹. - Online Police Report (if no immediate help is required)¹⁰ - I-Witness¹¹: To provide information about criminal activity to the police 	<ul style="list-style-type: none"> • Outrage of modesty¹⁶ • Rape¹⁷ • Voyeurism¹⁸ • Distribution of voyeuristic image or recording¹⁹ • Threatening to distribute intimate images or recording²⁰ • Protection from Harassment Act offences²¹ 	<p>Communication for commercial sex involving minors (under 18)</p> <ul style="list-style-type: none"> • Communication for commercial sex involving minors (under 18) outside of Singapore 	<ul style="list-style-type: none"> - Effect: Discontinue investigations or proceedings against the perpetrator⁴³ <p>B. Stern Warning</p> <ul style="list-style-type: none"> - Significance: Sufficient evidence to prove that an offence has been committed⁴⁴ - Effect: Investigations closed and no further prosecution in
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⁸ Singapore Police Force, "Contact Us" (<https://www.police.gov.sg/Contact-Us>).

⁹ Kindly refer to <https://www.police.gov.sg/Contact-Us> for details of Neighbourhood Police Centres and Police Posts.

¹⁰ <https://eservices.police.gov.sg/content/policehubhome/homepage/police-report.html>

¹¹ <https://www.police.gov.sg/I-Witness>

¹⁶ Third Column of the First Schedule of the Criminal Procedure Code

¹⁷ Third Column of the First Schedule of the Criminal Procedure Code

¹⁸ Third Column of the First Schedule of the Criminal Procedure Code

¹⁹ Third Column of the First Schedule of the Criminal Procedure Code

²⁰ Third Column of the First Schedule of the Criminal Procedure Code

²¹ Protection from Harassment Act, s 18.

⁴³ Singapore Legal Advice, "What is Acquittal & How Can One Be Acquitted in Singapore?"

([https://singaporelegaladvice.com/law-articles/acquittal-acquitted-singapore/#:~:text=An%20acquittal%20is%20a%20judgment,to%20an%20Acquittal%20\(DATA\).](https://singaporelegaladvice.com/law-articles/acquittal-acquitted-singapore/#:~:text=An%20acquittal%20is%20a%20judgment,to%20an%20Acquittal%20(DATA).)).

⁴⁴ AGC, Frequently Asked Questions

(https://www.ifaq.gov.sg/agc/apps/fcd_faqlmain.aspx?qst=hRhkP9BzcBImsx2TBssMsxu7lqt6UJK70a1wAEVmyegZvLqIdSXEv9s1Sp%2FhPxkiA7vJqiERTx7EqNQvI6eOhHGawZ9ZSkrcntCUljO3oUHQKOGOVdKCGyRRRKFM9zOuz1rrIOdlqS9TzYW074yfg3IKMSrUsWicxMKv5tm8IHxELZ7ozsdTvPDcu2Htohmimixixac6IT5U%2FJ730FkX1yCh3bq%2FEazxsRWjzPKXU8%3D#FAQ_1111131).

<p>C. <u>Process of Filing</u></p> <ul style="list-style-type: none"> - An officer trained in victim care will help with filing the report, with interviews conducted in private rooms . - A polygraph (lie-detector) test might be arranged, but the victim-survivor can refuse this test . The results of a polygraph test are inadmissible in Court . 	<p>B. <u>Statement-taking</u></p> <ul style="list-style-type: none"> - An Investigation Officer (IO) trained in handling sexual assault cases will record a statement from the victim-survivor (i.e account of what happened)²² . - The victim-survivor can request to speak to an IO of the same gender²³ . <p>C. <u>Support</u></p> <ul style="list-style-type: none"> - Victim-survivors can request for the assistance of a Victim Care Officer²⁴ . - For victim-survivors who require more specialist support, the Police will activate crisis support 	<p>respect of the offence for which the Stern Warning was issued⁴⁵ .</p> <ul style="list-style-type: none"> - No criminal records but records of Stern Warning kept by the police⁴⁶ . - If reoffends, Prosecution will take Stern Warning into account <p>C. <u>Conditional warning</u></p> <ul style="list-style-type: none"> - Conditions include for e.g. not reoffending within a stipulated time frame, regular psychiatric treatment etc)⁴⁷
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²² Singapore Police Force, Sexual Crime Information Pamphlet (English) (<https://www.police.gov.sg/Advisories/Crime/Sexual-Assault>).

²³ SPF, Supt Ho Yenn Dar, Victim Care is a Key Aspect in Investigations into Sexual Offences (https://www.police.gov.sg/media-room/news/20160526_online-letter_victim-care-is-a-key-aspect-in-investigations-into-sexual-offences).

²⁴ Singapore Police Force, Sexual Crime Information Pamphlet (English) (<https://www.police.gov.sg/Advisories/Crime/Sexual-Assault>).

⁴⁵ Singapore Legal Advice, "What is Acquittal & How Can One Be Acquitted in Singapore?"

([https://singaporelegaladvice.com/law-articles/acquittal-acquitted-singapore/#:~:text=An%20acquittal%20is%20a%20judgment,to%20an%20Acquittal%20\(DATA\)](https://singaporelegaladvice.com/law-articles/acquittal-acquitted-singapore/#:~:text=An%20acquittal%20is%20a%20judgment,to%20an%20Acquittal%20(DATA).)).); Tan Hee Joek, "Be Warned of the Stern Warning" (<http://v1.lawgazette.com.sg/2013-09/843.htm>).

⁴⁶ Singapore Legal Advice, "Consequences of Receiving a Stern Warning in Singapore" (<https://singaporelegaladvice.com/law-articles/stern-warning-consequences-singapore>);

Tan Hee Joek, "Police warning but not prosecuting offenders: What does it mean and can it be improved?"

(<https://www.todayonline.com/commentary/warning-not-prosecuting-offenders-what-does-it-mean-and-can-it-be-improved>).

⁴⁷ Deputy Senior State Counsel Mr Wong Woon Kwong (Director, Crime Division) and Mr. Winston Man (Deputy Director, Crime Division), "Know the Law": Mitigating Factors:

Early guilty plea and show of remorse

([https://www.agc.gov.sg/docs/default-source/newsroom-doucments/1\)-mitigating-factors_early-guilty-plea-and-show-of-remorse3447619072684c559fe1ad8d3f9feb2.pdf](https://www.agc.gov.sg/docs/default-source/newsroom-doucments/1)-mitigating-factors_early-guilty-plea-and-show-of-remorse3447619072684c559fe1ad8d3f9feb2.pdf)).

<p>D. <u>Third-Party Reports</u></p> <ul style="list-style-type: none"> - If a third-party¹² (not the victim-survivor) is aware of the commission of an arrestable offence, that person has a legal duty to immediately report the crime to the police¹³. The victim-survivor's consent is not legally required. 	<p>groups or medical social workers to provide professional counselling and victim care support²⁵.</p> <ul style="list-style-type: none"> - However, Victim Care Officers, along with other community befrienders, would not be allowed to sit in for police interviews²⁶. <p>D. <u>Forensic Medical Examination (if needed)</u></p> <ul style="list-style-type: none"> - Forensic Medical examinations can be taken at the One Stop Abuse Forensic Examination Centre (OneSAFE Centre), or hospitals such as Kadang Kerbau (KK) Hospital, National University Hospital or Singapore General Hospital²⁷. - ONESafe Centre only handles cases if they (1) are reported within 72 hours of assault²⁸ and (2) 	<ul style="list-style-type: none"> - If condition is breached, the perpetrator will be charged for the warned offence in addition to any fresh offences⁴⁸. <p>D. <u>Charge in Court</u></p> <ul style="list-style-type: none"> - Significance: In exercising prosecutorial discretion, the Prosecution decided that (a) the evidence disclose an offence and (b) it was in the public interest to bring a prosecution⁴⁹.
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¹² For example, if the victim chooses to confide in a friend or approach the University's administration for assistance, the third party may be legally obliged to report the crime to the police.

¹³ Criminal Procedure Code, S 424.

²⁵ SPF, Supt Ho Yenn Dar, Victim Care is a Key Aspect in Investigations into Sexual Offences

(https://www.police.gov.sg/media-room/news/20160526_online-letter_victim-care-is-a-key-aspect-in-investigations-into-sexual-offences).

²⁶ SPF, Supt Ho Yenn Dar, Victim Care is a Key Aspect in Investigations into Sexual Offences

(https://www.police.gov.sg/media-room/news/20160526_online-letter_victim-care-is-a-key-aspect-in-investigations-into-sexual-offences).

²⁷ Singapore Police Force, Sexual Crime Information Pamphlet (English) (<https://www.police.gov.sg/Advisories/Crime/Sexual-Assault>); AWARE, "Get Help" (<https://www.aware.org.sg/info/get-help/>).

²⁸ Seow Bei Yi, "New one-stop centre for alleged rape victims" (<https://www.straitstimes.com/singapore/new-one-stop-centre-for-alleged-rape-victims>)

⁴⁸ GCO v Public Prosecutor [2019] 3 SLR 1402; [2019] SGHC 31 at [70]; Deputy Senior State Counsel Mr Wong Woon Kwong (Director, Crime Division) and Mr. Winston Man (Deputy Director, Crime Division), "Know the Law": Mitigating Factors: Early guilty plea and show of remorse

(https://www.agc.gov.sg/docs/default-source/newsroom-documents/1-mitigating-factors_early-guilty-plea-and-show-of-remorse3447619072684c559fe1ad8d3f9fbc2.pdf).

⁴⁹ Steven Chong, S.C, Publication of Prosecutorial Guidelines: Publication for Whom, and Publication to what end in the Association of Criminal Lawyers of Singapore Annual Lecture 2013 (<https://www.agc.gov.sg/docs/default-source/speeches/2013/acls-lecture-2013.pdf>) at pp 2.

	<p>victim-survivors do not require any other medical attention²⁹.</p> <ul style="list-style-type: none"> - The examiner will require a complete and thorough medical history and will conduct a full physical examination, including around the genital area³⁰. - The examination by medical staff may involve collection of samples of semen and hair to conduct DNA testing³¹. The examination may involve³²: <ul style="list-style-type: none"> • Collection of blood, urine, hair and other body secretion samples • Photo documentation • Collection of clothing, especially undergarments • Collection of any possible physical evidence that may have transferred onto the victim-survivor from the scene. • Updates - The Investigation Officer will periodically update the victim-survivor on the investigation³³. 	<ul style="list-style-type: none"> - Effect: The case proceeds before a Court to determine whether the accused is guilty and the appropriate sentencing.
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²⁹ Seow Bei Yi, "New one-stop centre for alleged rape victims" (<https://www.straitstimes.com/singapore/new-one-stop-centre-for-alleged-rape-victims>)

³⁰ Sexual Assault Care Centre, "Police and Court Processes" (<https://sacc.aware.org.sg/get-information/police-and-court-processes/>).

³¹ Sexual Assault Care Centre, "Police and Court Processes" (<https://sacc.aware.org.sg/get-information/police-and-court-processes/>).

³² Sexual Assault Care Centre, "Police and Court Processes" (<https://sacc.aware.org.sg/get-information/police-and-court-processes/>).

³³ Singapore Police Force, Sexual Crime Information Pamphlet (English) (<https://www.police.gov.sg/Advisories/Crime/Sexual-Assault>).

	<p>E. <u>Subsequent Interviews</u></p> <ul style="list-style-type: none"> - The victim-survivor may be interviewed more than once³⁴. These interviews may be conducted by more than one police officer or by other professionals, such as psychologist and psychiatrists³⁵. The interviews may be recorded in the form of written statements that the victim-survivor must sign³⁶. <p>F. <u>Interview by AGC</u></p> <ul style="list-style-type: none"> - The prosecutors will interview victim-survivor of the crime to decide whether they will proceed with prosecution. - Victim-survivors would be asked to relate the events to the extent they remember, and these interviews are usually conducted with the Investigation Officer in a meeting room in AGC³⁷. 	
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³⁴ Legal Toolkit for Witnesses (With a focus on vulnerable witnesses),

(https://www.statecourts.gov.sg/cws/CriminalCase/Documents/General%20Legal%20Toolkit%20Handbook%20%28for%20Vulnerable%20Witnesses%29_Screen.pdf) at pp 4.

³⁵ Legal Toolkit for Witnesses (With a focus on vulnerable witnesses),

(https://www.statecourts.gov.sg/cws/CriminalCase/Documents/General%20Legal%20Toolkit%20Handbook%20%28for%20Vulnerable%20Witnesses%29_Screen.pdf) at pp 4.

³⁶ Legal Toolkit for Witnesses (With a focus on vulnerable witnesses),

(https://www.statecourts.gov.sg/cws/CriminalCase/Documents/General%20Legal%20Toolkit%20Handbook%20%28for%20Vulnerable%20Witnesses%29_Screen.pdf) at pp 4.

³⁷ AGC, Frequently Asked Questions

(https://www.ifaq.gov.sg/agc/apps/fcd_faqmain.aspx?qst=hRhkP9BzcBImsx2TBssMsxu7lqt6UJK70a1wAEVmyegZvLqpIdSXEv9s1Sp%2FhPxkiA7vJqiERTx7EqNQvI6eOhHGawZ9ZSkcrntCUljO3oUHQKOGOVdKCGyRRRKFM9zOuz1rrIOdlqS9TzYW074yfg3IKMSrUsWicxMKv5tm8IHxELZ7ozsdTvPDcu2Htohmmixixac6lT5U%2FJ730FkX1yCh3bq%2FEazxsRWjzPKXU8%3D#FAQ_1753).

	<ul style="list-style-type: none"> - The attendance of a victim-survivor (as a witness) at a pre-trial interview is voluntary and cannot be compelled³⁸. - As far as possible, the Prosecution will accommodate the requests of victim-survivors, e.g. requesting for a prosecutor of the same gender³⁹. - The AGC also has special facilities for the interviews to provide a conducive and reassuring environment for them⁴⁰. - The prosecutor may also provide assurances in relation to gag orders to protect the victim-survivor's identity and apply for the victim-survivor to give evidence via a live-video feed or a one-way physical screen⁴¹. 	
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³⁸ AGC, The Code of Practice for the Conduct of Criminal Proceedings by the Prosecution and the Defence

(<https://www.agc.gov.sg/docs/default-source/newsroom-doucments/media-releases/2013/code-of-practice-for-the-conduct-of-criminal-proceedings---final.pdf>) at pp 5.

³⁹ Deputy Senior State Counsel Mr. Winston Man and Deputy Public Prosecutor Ms. Eunice Lau from the Attorney-General's Chambers' (AGC) Crime Division, "Know the Law":

Prosecuting sexual offences is a fine balancing act between seeking justice and taking care of victims' well-being

([https://www.agc.gov.sg/docs/default-source/newsroom-doucments/9\)-prosecuting-sexual-predators-striking-a-balance-between-pursuing-justice-and-protecting-traumatised-victims.pdf](https://www.agc.gov.sg/docs/default-source/newsroom-doucments/9)-prosecuting-sexual-predators-striking-a-balance-between-pursuing-justice-and-protecting-traumatised-victims.pdf)).

⁴⁰ AGC, Annual Report 2012 (<https://www.agc.gov.sg/docs/default-source/Publications/annual-report-2012.pdf>) at pp 54.

⁴¹ Danson Cheong, "Breaking the silence on sexual crimes", The Straits Times (31 July 2016) (<https://www.straitstimes.com/singapore/courts-crime/breaking-the-silence>).

Means to challenge decision outcomes by Attorney-General's Chambers:

1. Judicial Review on the grounds of abuse or unconstitutional exercise of prosecutorial discretion⁵⁰ (*Application usually made by the accused)
2. Sending in queries and requests through Attorney-General's Chambers or Singapore Police Force's online feedback forms⁵¹

Appealing Court Decisions

Who can appeal against a Court decision (including a Sentencing Decision)⁵²:

- Only Accused and/or Public Prosecutor. Victim-survivor and/or victim-survivor's family member would not be able to do so.

Consequences of victim-survivor "tapping out" of Criminal Litigation

A victim-survivor may choose to discontinue to participate in criminal litigation e.g if the criminal litigation is affecting his/her/their mental health or the police report was made against the wishes of the victim-survivor.

Potential Consequences of "tapping out":

- Prosecution by the Attorney-General's Chambers may not be continued

⁵⁰ AGC, "The Exercise of Prosecutorial Discretion"

(<https://www.agc.gov.sg/docs/default-source/newsroom-doucments/media-releases/2012/agcpressrelease200112-theexerciseofprosecutorialdiscretion.pdf>) at [14]; Law Society of Singapore v. Tan Guat Neo Phyllis [2008] 2 SLR(R) 239 at [149].

⁵¹ Attorney-General's Chambers: https://www.agc.gov.sg/contact_us/feedback . and https://www.agc.gov.sg/contact_us/representations;

SPF: https://eservices.police.gov.sg/content/policehubefeedback/efeedback/feedbackform.html?_ga=2.261467469.1788826414.161642069AG8-217809495.1615460063.

⁵² Singapore Legal Advice, "Guide to Filing a Criminal Appeal in Singapore" (<https://singaporelegaladvice.com/law-articles/criminal-appeals-in-singapore/>); AGC, "Frequently Asked Questions"

(https://www.ifaq.gov.sg/agc/apps/fcd_faqmain.aspx?qst=hRhkP9BzcBImsx2TBssMsxu7lqt6UJK70a1wAEVmyegZvLqpIdSXEvs1Sp%2FhPxkiA7vJqiERTx7EqNQvI6eOhHGawZ9ZSkrcntCUljO3oUHQKOGOVdKCGyRRRKFM9zOuz1rrIOdlqS9TzYW074yfg3IKMSrUsWlCxMKv5tm8IHxELZ7ozsdTvPDcu2Htohmmixixac6IT5U%2FJ730FkX1yCh3bq%2FEazxsRWjzPKXU8%3D#FAQ_1111134).

- Prosecution by the Attorney-General's Chambers may be continued even if the victim-survivor wishes to "drop the charges"⁵³ but the Prosecution's failure to call the victim-survivor as a material witness in Court may weaken the Prosecution's case against the accused⁵⁴
- The Court might also subpoena the victim as a witness, if the trial proceeds – this legally obliges the victim to testify in Court.

Preserving evidence

Disclaimer: The physical safety and mental and emotional well-being of victim-survivors should be prioritized. Thus, victim-survivors are strongly discouraged from risking their safety to collect or preserve evidence.

(1) Offences involving physical contact (e.g. Sexual assault/ rape/ outrage of modesty)

For such offences, DNA evidence is crucial in proving the identity of the offender.

Reporting after some time	Reporting immediately
The first 3 days are crucial – DNA evidence can remain for up to 72 hours.	<p>Avoid:</p> <ol style="list-style-type: none"> 1. Showering or bathing 2. Using the restroom 3. Combing their hair 4. Cleaning up the crime scene <p>Victim-survivors may undergo forensic medical examination at OneSAFE police centre (Police Cantonment Complex) or a hospital.</p>

⁵³ The Straits Times, Walter Woon, "The public prosecutor, politics and the rule of law" (<https://www.straitstimes.com/opinion/the-public-prosecutor-politics-and-the-rule-of-law>)

⁵⁴ Muhammad Nabill bin Mohd Fuad v Public Prosecutor [2020] 1 SLR 984; Providence Law, Abraham Vergis & Danny Quah, "Singapore Court of Appeal further levels the Playing Field for the criminal defence" (<https://www.lexology.com/library/detail.aspx?q=adb4cf1f-f763-46a6-bb23-13278a3c4cbb>).

How to preserve evidence	
Clothes or other items related to the crime	Seal in a Ziploc bag.
Physical injuries (e.g. bruises, abrasions)	Take photographs.
Crime scene	Take photographs
Written details of the crime	Details including the date/location of crime. (This can be done via an email/message to the victim-survivors themselves or people they trust.)
Social media posts/ messages (e.g. Facebook, Instagram, Twitter, Tiktok, Snapchat etc), messages from messaging platforms (e.g. Telegram and Whatsapp) <ul style="list-style-type: none"> • indicating any details of the offences • showing the perpetrator's admission of the offence 	<p>These can be screenshotted.</p> <p>E.g. Social media posts suggesting that the perpetrator was at a specified location at a particular time</p> <p>E.g. Messages threatening the victim-survivor to not report the offence.</p> <p>E.g. Text apologising to the victim-survivor</p>

(2) Offences not involving physical contact (e.g. harassment/ unlawful stalking/ cyber-flashing etc.)

	Preserving evidence by:
Details of the occurrences of the offence	<p>Write down as much details as possible e.g. Date, time and place of occurrence and what happened.</p> <p>(This can be done via an email/message to the victim-survivors themselves or people they trust.)</p>

<p>Social media posts/ messages (e.g Facebook, Instagram, Twitter, Tiktok, Snapchat etc), messages from messaging platforms (e.g Telegram and Whatsapp)</p> <ul style="list-style-type: none"> • indicating any details of the offences • showing the perpetrator's admission of the offence 	<p>These can be screenshotted</p> <p>E.g. In cyber-flashing, screenshot the vulgar image sent</p> <p>E.g. Social media posts suggesting that the perpetrator was at a specified location at a particular time</p> <p>E.g Messages threatening the victim-survivor to not report the offence.</p> <p>Ed.g. Text apologising to the victim-survivor</p>
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Protection of Victim-survivor in Criminal Justice Process

General Protection of Victim-survivor's identity and privacy

Legislation	The <i>victim</i> is protected against:
Penal Code, S 425A(1)	Publication of his/her/their name, address or photograph and evidence or any other thing that is likely to lead the identification of the <i>victim</i>
Penal Code, S 425A(1)	Any other act that is likely to lead to the identification of the <i>victim</i>
Women's Charter, S 153(4)	<p>(If the victim is a woman or girl) Publication or broadcast of any of the following that identifies the <i>victim</i></p> <ul style="list-style-type: none"> • Name or address of the <i>victim</i> • Particulars given in Court that identify the <i>victim</i> • Name and address of any witnesses in Court proceedings • Particulars of evidence given in Court • Picture of the <i>victim</i> or any witness in the Court proceedings

Protection of victim-survivor during trial

If the victim-survivor is required to give evidence as witness in Court, the victim-survivor can⁵⁵:

- Testify in a closed-door hearing
- Testify behind a physical screen so that the victim-survivor does not see the Accused
- Testify through video-link in a room outside the courtroom

During Cross-examination, the Defense cannot ask *victims* questions about their physical appearance or sexual behavior/history (which is unrelated to the charge), without the Court's permission⁵⁶.

Protection of the victim-survivor before the end of trial

If a victim-survivor is threatened by the accused, the victim-survivor should inform the Investigation Officer⁵⁷. After an accused is charged, the Prosecution may ask the Judge to direct that the accused be detained in prison or be remanded until the trial of the accused⁵⁸. The Judge will consider the victim-survivor's safety in deciding⁵⁹. An Accused who is released from remand is usually released on bail with the condition to not interfere with the victim-survivor⁶⁰.

⁵⁵ Singapore Police Force, "Reporting Sexual Assault Cases, Investigation and Court Processes Pamphlet" (<https://www.police.gov.sg/Advisories/Crime/Sexual-Assault>) at pp 2.

⁵⁶ Ministry of Law, "Written Answer by Minister for Law, Mr K Shanmugam, to Parliamentary Question on Training on Sexual Offences for Judicial Officials" (<https://www.mlaw.gov.sg/news/parliamentary-speeches/written-answer-by-minister-for-law-mr-k-shanmugam-to-pq-on-training-on-sexual-offences-for-judicial-officials>) at para 4; Singapore Police Force, "Reporting Sexual Assault Cases, Investigation and Court Processes Pamphlet" (<https://www.police.gov.sg/Advisories/Crime/Sexual-Assault>) at pp 2.

⁵⁷ State Courts, Hagar Singapore Ltd, "Legal Toolkit for Witnesses (With a focus on vulnerable witnesses)" (https://www.statecourts.gov.sg/cws/CriminalCase/Documents/General%20Legal%20Toolkit%20Handbook%20%28for%20Vulnerable%20Witnesses%29_Screen.pdf) at pp 5.

⁵⁸ State Courts, Hagar Singapore Ltd, "Legal Toolkit for Witnesses (With a focus on vulnerable witnesses)" (https://www.statecourts.gov.sg/cws/CriminalCase/Documents/General%20Legal%20Toolkit%20Handbook%20%28for%20Vulnerable%20Witnesses%29_Screen.pdf) at pp 5.

⁵⁹ State Courts, Hagar Singapore Ltd, "Legal Toolkit for Witnesses (With a focus on vulnerable witnesses)" (https://www.statecourts.gov.sg/cws/CriminalCase/Documents/General%20Legal%20Toolkit%20Handbook%20%28for%20Vulnerable%20Witnesses%29_Screen.pdf) at pp 5.

⁶⁰ State Courts, Hagar Singapore Ltd, "Legal Toolkit for Witnesses (With a focus on vulnerable witnesses)" (https://www.statecourts.gov.sg/cws/CriminalCase/Documents/General%20Legal%20Toolkit%20Handbook%20%28for%20Vulnerable%20Witnesses%29_Screen.pdf) at pp 5.

Duration of Criminal Justice Process

The duration of the criminal justice process is dependent on the complexity, circumstances, severity and urgency of the case.

Singapore Police Force	Generally, it takes 12-36 months to conclude investigations for cases for rape and sexual assault (varies depending on complexity and circumstances of each case ⁶¹)
Attorney-General's Chambers	<i>No information available publicly</i> , but generally, varies depending on multiple factors such as: number of and availability of witnesses (on both sides), and number of charges the accused faces.
Court	Generally, waiting period for trials are less than 3 weeks after the filing of relevant documents ⁶² . Most cases are completed within 18 months of filing ⁶³ (depending on complexity/ circumstances). Trial dates are usually fixed months in advance ⁶⁴ .

Communication with the Authorities

Before Trial	Where the Attorney-General's Chambers (AGC) decides that there is no public interest in prosecution, they will inform the victim-survivor and in some cases, they intervened to end private prosecutions ⁶⁵ .
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⁶¹ Parliamentary Debate, Volume 94, Session 2, 8 May 2019, Mr K Shanmugam, Written Answers to Questions: Serious Sexual Crimes Handles by Police in Last Five Years (<https://sprs.parl.gov.sg/search/fullreport?sittingdate=8-5-2019>).

⁶² "Supreme Court Practice Directions, Part VIII: Documents and Authorities For Use In Court" (<https://epd.supremecourt.gov.sg/PART-08-Documents-And-Authorities-For-Use-In-Court.html>).

⁶³ The Honourable the Chief Justice Sundaresh Menon, Australian Academy of Law Patron's Address, "The Common Law Litigation Process: Time for a Rethink?" (https://www.academyoflaw.org.au/resources/Publications/Menon_The%20Common%20Law%20Litigation%20Process%20-%20Time%20for%20a%20Rethink%20on%20.pdf) at pp 5.

⁶⁴ State Courts, Hagar Singapore Ltd, "Legal Toolkit for Witnesses (With a focus on vulnerable witnesses)" (https://www.statecourts.gov.sg/cws/CriminalCase/Documents/General%20Legal%20Toolkit%20Handbook%20%28for%20Vulnerable%20Witnesses%29_Screen.pdf) at pp 18.

⁶⁵ Attorney-General Lucien Wong, "Prosecution in the Public Interest, Singapore Law Review Lecture 2017" (<https://www.agc.gov.sg/docs/default-source/default-document-library/singapore-law-review-annual-lecture-2017---prosecuting-in-the-public-interest.pdf>) at pp 4.

Trial	<p>If the case goes to trial, the Investigation Officer will inform victim when the trial will be⁶⁶.</p> <p>Once the victim-survivor enters the witness box, he/she/they cannot speak to anybody (e.g other witnesses, the Prosecution, the accused and Defense Counsel) about the case/ evidence, even if the victim-survivor does not finish giving evidence in one day and the trial is adjourned to another day⁶⁷.</p>
Q: Will there be explanations given for AGC decisions?	
<p>A: Generally, no. The AGC does not publish their internal guidelines which inform the exercise of prosecutorial discretion⁶⁸, and have no legal duty to give reasons behind their prosecutorial decisions⁶⁹, and also because there are many reasons behind a decision they make. However, the AGC may explain the basis of certain decisions where appropriate (e.g in prosecutorial decisions which raises a question of importance for the public)⁷⁰.</p>	

⁶⁶ State Courts, Hagar Singapore Ltd, "Legal Toolkit for Witnesses (With a focus on vulnerable witnesses)" (https://www.statecourts.gov.sg/cws/CriminalCase/Documents/General%20Legal%20Toolkit%20Handbook%20%28for%20Vulnerable%20Witnesses%29_Screen.pdf) at pp 18.

⁶⁷ State Courts, Hagar Singapore Ltd, "Legal Toolkit for Witnesses (With a focus on vulnerable witnesses)" (https://www.statecourts.gov.sg/cws/CriminalCase/Documents/General%20Legal%20Toolkit%20Handbook%20%28for%20Vulnerable%20Witnesses%29_Screen.pdf) at pp 24.

⁶⁸ Steven Chong, S.C, Association of Criminal Lawyers of Singapore Annual Lecture 2013, "Publication of Prosecutorial Guidelines: Publication for Whom, and Publication to what end" (<https://www.agc.gov.sg/docs/default-source/speeches/2013/acls-lecture-2013.pdf>) at para 8; Chief Prosecutor Aedit Abdullah, "Publication of Prosecutorial Guidelines" (<https://www.agc.gov.sg/legal-processes/publication-of-prosecution-guidelines>); AGC, "The Exercise of Prosecutorial Discretion"

(<https://www.agc.gov.sg/docs/default-source/newsroom-doucments/media-releases/2012/agcpressrelease200112-theexerciseofprosecutorialdiscretion.pdf>) at para 7.

⁶⁹ Ramalingam Ravinthran v Attorney-General [2012] 2 SLR 49; [2012] SGCA 2 at para 74; Steven Chong, S.C, Association of Criminal Lawyers of Singapore Annual Lecture 2013, "Publication of Prosecutorial Guidelines: Publication for Whom, and Publication to what end" (<https://www.agc.gov.sg/docs/default-source/speeches/2013/acls-lecture-2013.pdf>) at pp 5; AGC, "The Exercise of Prosecutorial Discretion"

(<https://www.agc.gov.sg/docs/default-source/newsroom-doucments/media-releases/2012/agcpressrelease200112-theexerciseofprosecutorialdiscretion.pdf>) at para 7.

⁷⁰ AGC, "The Exercise of Prosecutorial Discretion"

(<https://www.agc.gov.sg/docs/default-source/newsroom-doucments/media-releases/2012/agcpressrelease200112-theexerciseofprosecutorialdiscretion.pdf>) at para 12; AG Lucien Wong, "Opening of the Legal Year 2020"

(<https://www.agc.gov.sg/docs/default-source/newsroom-doucments/speeches/opening-of-the-legal-year-2020---address-by-the-honourable-attorney-general.pdf>) at paras 19 to 21.


MAGISTRATE'S COMPLAINT (PRIVATE PROSECUTION)⁷¹

Who/ when to file a Magistrate's Complaint (MC)?

- A person who wishes to commence private prosecution and does not wish to seek compensation (i.e a victim-survivor).
- This usually occurs after law enforcement (e.g the police) decides not to pursue the case any further.

Offences Eligible for MC

(i.e offences punishable with a maximum imprisonment term of up to 3 years and/or with a fine)

- 
- | | |
|---|---|
| ✓ Outrage of Modesty (Penal Code, S 354) | ✗ Rape (Penal Code, S 375) |
| ✓ Voyeurism (Penal Code, S 377BB) | ✗ Sexual assault involving penetration (Penal Code, S 376) |
| ✓ Possession of or gaining access to voyeuristic image or recording (Penal Code, S 377BD) | ✗ Distribution of voyeuristic image or recording (Penal Code, S 377BC) |
| ✓ Sexual Exposure (Penal Code, S 377BF) | ✗ Distributing or threatening to distribute intimate image or recording (Penal Code, S 377BE) |
| ✓ Unlawful stalking (POHA, S 7) | |
| ✓ Intentionally causing harassment, alarm and distress (POHA, S 3) | |
| ✓ Causing harassment, alarm and distress (POHA, S 4) | |

Possible Outcomes

- Compulsory Criminal Mediation
- Compel the attendance of any person who may help the Magistrate determine whether complaint should proceed
- Commencing of Private Prosecution
- Direct the police to conduct an investigation into the complaint or
- Dismiss the complaint.

⁷¹

State Courts, "An Overview of Magistrate's Complaints" (<https://www.statecourts.gov.sg/cws/FilingMagistrateComplaint/Pages/Magistrate-Complaints-Overview.aspx>); Singapore Courts, State Courts, "Filing A Magistrate's Complaint" (<https://www.statecourts.gov.sg/cws/FilingMagistrateComplaint/Pages/Filing-a-Magistrate-Complaint.aspx>); "Magistrate's Complaints" (<https://beta.judiciary.gov.sg/criminal/magistrates-complaints>); Singapore Legal Advice, "Magistrate's Complaints, Private Summons and Private Prosecutions in Singapore" (<https://singaporelegaladvice.com/law-articles/magistrates-complaints-private-summons-and-private-prosecutions-in-singapore/>).

Filing a Magistrate's Complaint

The following information is reproduced from the State Court's website⁷²:

Step 1:	Complete the Magistrate's Complaint form via Automated Court Documents Assembly System [ACDA Mag Comp] by the Community Justice Centre (CJC).
Step 2:	<p>Prepare the following supporting documents:</p> <ol style="list-style-type: none">1. Complainant's (i.e victim-survivor) NRIC (for Singapore Citizens and Permanent Residents) or Passport (for Foreigners) as proof of identity for verification during filing;2. Copy of the Police report and/or case card; and3. Copies of any other relevant documents (e.g. Medical reports, photographs, printout of relevant emails, phone messages, Internet posts, etc.)
Step 3:	Submit the Magistrate's Complaint Form together with supporting documents online using this link here .
Step 4:	The State Courts will contact the Complainant by email/telephone within 3-5 working days to inform the Complainant of the appointment date and time to see the Duty Magistrate.

⁷² State Courts, "Filing A Magistrate's Complaint" (<https://www.statecourts.gov.sg/cws/FilingMagistrateComplaint/Pages/Filing-a-Magistrate-Complaint.aspx>).

Financial Costs

- Filing fee of \$20.00 (non-refundable) payable before appearing before the Duty Magistrate for the examination of the complaint⁷³.
- If the Magistrate issues a notice for Criminal Mediation and there is no settlement despite the Criminal mediation, the Complainant may wish to proceed to trial by way of a private summons which costs \$20.00 for each summons⁷⁴.
- Other Court Document Fees⁷⁵
- Apart from the fees above and lawyer fees (if a lawyer is engaged), there are other involved (for the filing of documents, hearing fees etc.). However, these fees are likely to be further explained by legal counsel if the victim-survivor seeks legal representation.

⁷³ State Courts, "Filing A Magistrate's Complaint" (<https://www.statecourts.gov.sg/cws/FilingMagistrateComplaint/Pages/Filing-a-Magistrate-Complaint.aspx>).

⁷⁴ State Courts, "Filing A Magistrate's Complaint" (<https://www.statecourts.gov.sg/cws/FilingMagistrateComplaint/Pages/Filing-a-Magistrate-Complaint.aspx>).

⁷⁵ Rules of Court, Court Fees (<https://sso.agc.gov.sg/SL/SCJA1969-R5?ProvIds=SaB-#SaB->).

PROTECTION FROM HARASSMENT ACT (CIVIL)



PROTECTION FROM HARASSMENT ACT (CIVIL)

Note: The person who files a Claim under the Protection from Harassment Act (POHA) is called the **Complainant**. The alleged harasser is called the **Respondent**.

Types of claims under the POHA	There are many kinds of claims that can be filed such as claims for damages (compensation), False Statement Orders, Mandatory Treatment Orders and Protection Orders. This section will focus on Protection Orders. For more information on the different kinds of Orders that can be requested, please refer to the State Courts' website ⁷⁶ .
Protection Orders help to prevent future harm	<ul style="list-style-type: none">- Complainants can apply for a Protection Order to protect them from behaviour that constitutes offences under the Protection from Harassment Act (POHA). Examples of offences under the POHA include harassment, unlawful stalking and doxxing.- Protection Orders will state the actions that the Respondent is not allowed to do. Breach of a Protection Order is considered a criminal offence, which may lead to a fine of up to \$5,000 and/or up to 6 months of imprisonment.
Is a lawyer needed to file a POHA claim?	Engaging a lawyer is not necessary, but a lawyer can provide Complainants with advice on various courses of action they can take, and also assess their case. A lawyer can also guide Complainants through the administrative steps required to file a claim ⁷⁷ .

⁷⁶ State Courts Singapore, "Overview of the Protection from Harassment Act" (<https://www.statecourts.gov.sg/cws/FillingForHarassment/Pages/Overview-of-the-Protection-from-Harassment-Act.aspx>).

⁷⁷ State Courts Singapore, "Overview of the Protection from Harassment Act" (<https://www.statecourts.gov.sg/cws/FillingForHarassment/Pages/Overview-of-the-Protection-from-Harassment-Act.aspx>).

<p>How can a Complainant file a POHA claim without a lawyer?</p>	<p>State Courts – Assistance with the filing process: Officers at the State Courts can provide assistance with the filing process, although they cannot provide legal advice⁷⁸.</p> <p>Complainants should bring the following things to the <u>Central Registry at Level 2 of the State Courts</u>⁷⁹:</p> <ul style="list-style-type: none"> • NRIC or other forms of personal identification; • Evidence of the harassing act(s) – e.g. print-outs of emails, screenshots of messages; websites; photographs; <p>Police report or medical report (if any)</p>
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⁷⁸ State Courts Singapore, "Overview of the Protection from Harassment Act" (<https://www.statecourts.gov.sg/cws/FillingForHarassment/Pages/Overview-of-the-Protection-from-Harassment-Act.aspx>).

⁷⁹ State Courts Singapore, "Overview of the Protection from Harassment Act" (<https://www.statecourts.gov.sg/cws/FillingForHarassment/Pages/Overview-of-the-Protection-from-Harassment-Act.aspx>).

WOMEN'S CHARTER (CIVIL)

Under the Women's Charter, a complainant (i.e victim-survivor) may seek the following civil remedies:

- **Personal Protection Order (PPO)**⁸⁰: Restrains the family member-abuser from committing family violence

Expedited Order (EO)⁸¹: Urgent and temporary PPO which holds for 28 days or when the trial for the PPO (above) begins.

Costs and Filing a Personal Protection Order⁸²

The estimated cost of issuing the summons for a Personal Protection Order under the Women's Charter is \$1⁸³. There are other fees involved (e.g lawyer fees if a lawyer is engaged, filing of documents, hearing fees etc.). These fees are likely to be further explained by legal counsel if the victim-survivor seeks legal representation.

Step 1: Draft Application	The complainant can refer to this step-by-step guide here to filing an application under iFAMS in the footnotes ⁸⁴ .
Step 2: Filing of Application	After completion of draft, proceed to the Family Protection Centre at the Family Justice Courts or at any one of the following Family Violence Specialist Centres (FVSCs): <ul style="list-style-type: none">• Centre for Promoting Alternatives to Violence (PAVe)⁸⁵• TRANS SAFE Centre⁸⁶• Care Corner Project StART

⁸⁰ Women's Charter, S 65.

⁸¹ Women's Charter, S 66(1) and (2).

⁸² Singapore Legal Advice, "Guide to Personal Protection Orders in Singapore" (<https://singaporelegaladvice.com/law-articles/what-is-a-personal-protection-order/>).

⁸³ Singapore Legal Advice, "Guide to Personal Protection Orders in Singapore" (<https://singaporelegaladvice.com/law-articles/what-is-a-personal-protection-order/>).

⁸⁴ Refer to https://www.familyjusticcourts.gov.sg/docs/default-source/family-courts/family-protection/step_by_step_guide_for_fresh_maintenance_order_application.pdf.

⁸⁵ Refer to <https://www.pave.org.sg/>.

⁸⁶ Refer to <https://www.trans.org.sg/services-safe>.

Step 3: Court

- A judge will then review the application where:

- √ A summons may be issued to the abuser

- √ An EO may be issued

- Upon issuance of summons:

- Proceed to mention à Complaint read to abuser

- √ If respondent agrees, PPO may be issued

If respondent disagrees, judge may arrange for a Court Family Specialist to speak with both parties and try and resolve the matter. If the matter is resolved, the judge may issue the PPO.

- If not resolved, matter will proceed for hearing.

CIVIL PROCEEDINGS FOR COMPENSATION

If a victim-survivor wishes to seek legal recourse outside of criminal law as a private party not involving the state, he/she/they may do so through civil proceedings.

Tort as a cause of action that may be pursued in the case of sexual offences

The complainant (i.e victim-survivor) may bring a claim for compensatory damages for the losses or injuries suffered⁸⁷.

Some potential relevant torts for sexual offences listed in previous sections include:

- Statutory torts provided for under the Protection from Harassment Act⁸⁸. (Harassment, stalking etc.)
- Interference with the Person (e.g. Assault, battery)
 - In an act of physical violence, assault refers to the act which causes the victim to expect or be aware of imminent physical harm, while battery refers to the actual act causing the physical harm⁸⁹.

Some potential types of losses that damages that may be claimed for include:

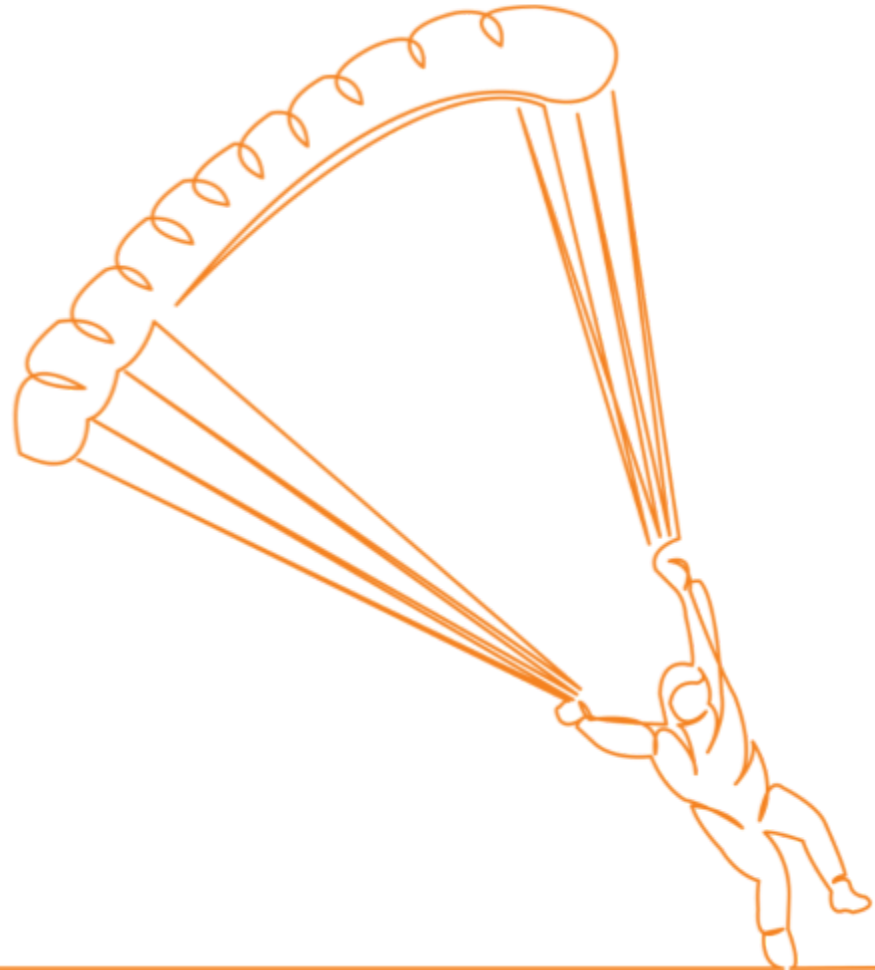
- Pain and suffering (e.g physical pain, anxiety, fear, embarrassment caused by the injury)
- Loss of Amenity (e.g impairment of senses, disfigurement, loss of sex life, diminution of marriage prospects, inability to take holidays, inability to pursue hobbies etc)

⁸⁷ PDLegal LLC, "How To Sue Someone in Singapore (A Quick Overview)" (<https://www.pdlegal.com.sg/sue-someone-in-singapore-guide/>).

⁸⁸ See Protection from Harassment Act, s 11.

⁸⁹ Amutha Valli v Titular Superior of the Redemptorist Fathers in Singapore [2009] SGHC 35 at [71].

RESOURCES AND SUPPORT SERVICES



RESOURCES AND SUPPORT SERVICES

NUS Care Unit

NUS Care Unit (NCU) provides dedicated support to NUS students and staff who have been affected by sexual misconduct (e.g., sexual harassment, stalking, voyeurism, dating violence, and sexual assault). NCU offers a private and safe place for affected NUS community members to seek support (e.g., informational, emotional, relational, and practical) and to be heard independent of their faculty, department, or hostel. Services provided include:

1. Accompaniment	NCU provides accompaniment to the Office of Campus Security, Office of Risk Management and Compliance, University Health Centre, the police, the hospital, the courts, or any other locations that require NCU's support.
2. Information & Help	NCU also provides information on the reporting process, investigation process, adjudication process, and/or other support options in relation to sexual misconduct. NCU are survivor-centric and seek to empower clients to make their own informed decision, wherever possible.
3. Triage & Referral	NCU staff communicates in a trauma-informed manner and render psychological first aid to persons affected by sexual misconduct. NCU can also refer clients to relevant services that best meets their needs and interests.
4. Safety Planning	NCU co-develops plans and strategies with clients to mitigate threats. For example, NCU works with relevant stakeholders to deconflict the student timetables of the client and the alleged perpetrator.
5. Practical Support	NCU raises and facilitates various administrative requests. NCU works with different NUS units (e.g., hostels, counselling services, faculties) to coordinate academic, employment, or other accommodations and services for any member of the NUS community who has experienced sexual misconduct.

6. Needs Assessment	NCU actively assesses client needs and preferences to provide survivor-centric care. NCU also works and collaborates on multi-stakeholder projects that aim to improve or safeguard the NUS community's welfare in relation to sexual misconduct.
7. Contact Details	<p>For more information on NCU services, refer to https://care.nus.edu.sg/our-svcs/. To access NCU services,</p> <p>Helpline: +65 6601 4000 (Available daily, monitored closely by NCU during office hours. Call to receive support from a trained care professional)</p> <p>E-mail: ncu_help@nus.edu.sg (Available daily, monitored closely by NCU during office hours)</p> <p>Confidential Help Form: https://care.nus.edu.sg/wp-login.php?redirect_to=https%3A%2F%2Fcare.nus.edu.sg%2Fhelp-form%2F (Available daily, monitored closely by NCU during office hours. Login using NUS ID is required but submission will remain anonymous unless complainant provides NCU with identifying information).</p>

Non-NUS Resources

The resources are generally befriender services or legal clinic services. The latter are usually short, free, one-off meetings with a lawyer who generally cannot represent the complainant in Court regarding the matter the complainant sought advice on or tell the complainant exactly what to do.

A victim-survivor does not require legal representation for criminal matters as criminal matters are prosecuted by the State, except in situations of Magistrates' Complaint where the victim-survivor may benefit from legal assistance.

Services for Civil and Criminal Matters

Organisation	Details	Contact
AWARE Sexual Assault Care Centre (SACC)	<p><u>Legal clinic services (Free):</u> One-time 20-minute general advice consultations with an experienced lawyer to give general guidance and give the client options that the client can choose from based on what he/she/they think best suits he/she/them. The legal clinic is reserved for clients who do not already have legal representation on the same matter. However, the lawyers will not be able to represent the client in Court.</p> <p><u>Befriender Services:</u> A trained Befriender provides support and accompanies clients throughout the process of filing police reports, going to court etc⁹⁰. They can accompany the clients to hospitals for medical aid and a forensic examination (if relevant)⁹¹. They are also familiar with how the criminal justice process work and can help answer practical questions about the police, hospitals, or court⁹². However, SACC services are conducted in English only</p>	<p>SACC Website: https://sacc.aware.org.sg/</p> <p>SACC Helpline: 6779 0282 (Monday to Friday, 10 a.m. to 6 p.m.)</p> <p>SACC Whatsapp: 9781 4101 (Monday to Friday, 10 a.m. to 6 p.m.)</p> <p>SACC Email: sacc@aware.org.sg</p>

⁹⁰ SACC, "Filing a Complaint" (<http://sacc.aware.org.sg/get-help/filing-a-complaint/#befriender>).

⁹¹ SACC, "Filing a Complaint" (<http://sacc.aware.org.sg/get-help/filing-a-complaint/#befriender>).

⁹² SACC, "Filing a Complaint" (<http://sacc.aware.org.sg/get-help/filing-a-complaint/#befriender>).

	<p>and do not include befriending services to accompany clients for meetings with organisations, institutions, neighbours, etc⁹³.</p> <p><u>Case Management Services:</u> A case manager provides trauma-informed support, explores options, and develops a safety plan or action plan suited to the client's needs. The case manager also helps the client develop short-term coping skills and identify internal and external resources that would benefit the client.</p> <p>*SACC Services are conducted in English only</p>	<p>AWARE's Women's Helpline: 1800-777-5555 (Monday to Friday, 10 a.m. to 6 p.m.*)</p> <p>*In light of the COVID-19 pandemic, SACC are providing all their services remotely. Walk-in service has been discontinued until further notice and exceptions will be assessed based on the urgency and safety of the individual reaching out for support.</p>
AWARE Workplace Harassment and Discrimination Advisory (WHDA)	<p>WHDA provides advice and support regarding discrimination or harassment at the workplace (including sexual harassment and assault).</p>	<p>AWARE Website: https://www.aware.org.sg/womens-care-centre/workplace-harassment-and-discrimination-advisory/</p> <p>Hotline: 6950 9191 (Monday to Friday, 10 a.m. to 6 p.m.)</p> <p>Email: whda@aware.org.sg</p>

⁹³ SACC, "Filing a Complaint" (<http://sacc.aware.org.sg/get-help/filing-a-complaint/#befriender>).

<p>Law Society of Singapore - Community Legal Clinics</p>	<p>Free legal clinics are offered but the lawyer will not represent the client, acting on his/her/their behalf or provide any drafting services during the consultation or thereafter.</p> <p><u>Duration:</u> Provision of free basic legal advice for personal matters in one-off 20-minute consultations.</p> <p><u>Eligibility criteria:</u></p> <ul style="list-style-type: none"> • Means-testing • The client has not sought any legal advice before or engaged a lawyer previously regarding this matter. • The client is seeking advice for his/her/their own personal matter (i.e not for a spouse or family member). <p><u>Operating Hours:</u></p> <p>North West District 900 South Woodlands Drive #06-01 Woodlands Civic Centre Singapore 730900 (Near Woodlands MRT Station) Clinic Hours: Mondays (7:30pm - 9:30pm)</p> <p>South East District Geylang Wisma Serai 1 Engku Aman Turn, #03-02 Singapore 408528 (7 minutes walk from Paya Lebar MRT Station) Clinic Hours: Tuesdays (7pm - 9pm)</p>	<p>Law Society Pro Bono Services website: https://www.lawsocprobono.org/pages/community-legal-clinic.aspx</p> <p>To register for an appointment,</p> <p>Telephone: 6536 0650 (Mondays to Fridays, 10am-1pm and 2pm-4pm and Closed on Public Holidays)</p> <p>Email: clc@lawsocprobono.org</p> <p>Speak to the Officer at the Help Centre in Basement 1 of State Courts</p> <p>Presently, legal clinics take place both physically (with limited slots) and via video-conferencing, and appointments are made by completing a registration form available on the linked website (https://forms.office.com/Pages/ResponsePage.aspx?id=2SIByMB8W06hRKsXHMIqYg9U_LFeiCRHgqHNQqZ_EfxUMTJZNkhEMU00WVUIODROTFBMTU5IMyQIQCN0PWcu).</p>
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	<p>South West District The JTC Summit 8 Jurong Town Hall Road #26-06 Singapore 609434 (Near Jurong East MRT Station) Clinic Hours: Wed (7pm - 9pm)</p> <p>Central Singapore District 490 Lorong 6 Toa Payoh #07-11 HDB Hub Via Biz Three Lift Lobby 2, Singapore 310490 (Near Toa Payoh MRT Station) Clinic Hours: Thurs (7pm - 9pm)</p> <p><u>Documents to provide:</u></p> <ul style="list-style-type: none"> • Copies of contracts, agreements, correspondence, written evidence. • Copies of Writs served, court orders made, police reports. 	<p>For enquiries (Mondays to Fridays, 10am-1pm and 2pm-4pm; closed on public holidays):</p> <p>Telephone: 65360650</p> <p>Email: enquiry@lawsocprobono.org</p>
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Catholic Lawyers Guild	<p>Catholic Lawyers Guild offers free legal clinics for both civil and criminal matters to all, regardless of religious faith or nationality.</p> <p><u>Eligibility criteria:</u></p> <ul style="list-style-type: none"> • Does not have legal advice or representation for a personal matter; or • Wish to resolve or mediate a legal dispute; or • Unable to afford a lawyer. <p><u>Scope of legal advice:</u></p> <ul style="list-style-type: none"> • Legal advice for personal matters only. • Intended for the poor, disadvantaged and sandwiched classes. <p><u>Operating hours:</u> Legal clinics are open from 7:30 p.m. (7:00 p.m. at Agape) to 9:00 p.m. on certain Mondays at 5 locations (on the linked website)</p> <p><u>Locations:</u></p> <ul style="list-style-type: none"> • Every 1st Monday of the Month – St. Teresa’s Church at 510 Kampung Bahru Road, Singapore 099446 • Every 2nd and 4th Monday of the Month – Agape Village at 7A Lorong 8 Toa Payoh, Singapore 319264 • Every 2nd Monday of the Month – Church of Divine Mercy at 19 Pasir Ris St 72, Singapore 518771 • Every 3rd Monday of the Month – St Joseph’s Church (Bukit Timah) at 620 Upper Bukit Timah Road, Singapore 678116 • Every 4th Monday of the Month – Holy Family Church at 6 Chapel Road, Singapore 429509 	<p>Website: https://clgsingapore.com/pro-bono-legal-clinic/</p> <p>Registration is required:</p> <p>Telephone: 6801 7494</p> <p>Email: admin@clgsingapore.com</p> <p>Online Registration form (https://clgsingapore.com/pro-bono-legal-clinic/pro-bono-clinic-registration/)</p>
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SINDA	<p>SINDA offers free legal clinics to Indian families in need.</p> <p><u>Eligibility criteria:</u></p> <ul style="list-style-type: none"> • Families that have a household income of \$2000 and below • Clients are allowed to seek information only on their personal matters • Clients must not have sought any legal advice on this matter and have not already engaged a lawyer • Clients seeking help must be Singapore Citizens or Permanent Residents <p><u>Operating hours:</u> Legal clinics are held every 2nd Thursday of each month</p> <p><u>Location:</u></p> <p>SINDA 1 Beatty Road, Singapore 209943 Mon – Fri: 9am – 5.30pm Sat: 9am -12.30pm</p>	<p>Website: https://www.sinda.org.sg/financial_assistance/legal-clinic/</p> <p>Meetings are strictly by appointment:</p> <p>Hotline: 1800 295 4554 (Monday to Friday, 9:00 a.m. to 5:30 p.m., Saturday 9:00 a.m. to 12:30 p.m.)</p> <p>Individuals may call, walk-in, write or email their queries on personal or family-related issues.</p> <p>Hotline: as above</p> <p>Email: queries@sinda.org.sg</p>
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Services for Criminal Matters Only

Organisation/ Programme	Details	Contact / More information
Witness Support Programme by the State Courts	<p>This programme gives support to vulnerable witnesses in criminal cases who have to give evidence in Court against their perpetrators. This programme is free-of-charge.</p> <p>Support is provided by a Volunteer Support Person (VSP) who is recruited by the State Courts and Singapore Children's Society. VSPs are specially trained volunteers who are screened and cleared of any criminal records by the Supreme Court.</p> <p>Under the program, the VSP will:</p> <ul style="list-style-type: none"> • Accompany the witness in a visit to the State Courts. The witness will also be given a briefing to be familiarised with the court environment and court procedures during trial. • Work on building a supportive relationship with the witness • Be a source of information on court procedures, and assist the witness in managing stress that may arise from court proceedings • Support the witness by sitting behind the witness during the period of the trial when court is in session, if allowed by the Judge upon application of the Prosecutor or Defence Counsel. • Provide emotional support regardless of the outcome of the case 	<p>For more information:</p> <p>Brochure for the Witness Support Programme.⁹⁴</p> <p>If you are interested, please contact the State Courts Centre for Specialist Services:</p> <p>Address: State Courts – 1 Havelock Square, Level 18, Singapore 059724</p> <p>Email: Statecourts_centre_for_specialist_services@statecourts.gov.sg</p> <p>Phone: 65878423</p>

⁹⁴ State Courts Singapore, "Witness Support Programme"

(chrome-extension://efaidnbmninnibpcjpcglclefindmkaj/viewer.html?pdfurl=https%3A%2F%2Fwww.judiciary.gov.sg%2Fdocs%2Fdefault-source%2Fattending-court-docs%2Fwitness-support-programme.pdf&clen=212276).

Victim Assistance Scheme by Community Justice Centre @ State Courts	<p>This scheme offers financial assistance to <i>victims</i> of criminal assault who have not received compensation from the offender, and where the <i>victim</i> is unable to seek monetary compensation from the offender for injuries caused. The reimbursement of medical expenses is capped at \$1,000.</p> <p>Applications for the scheme can be made through the Investigation Officer in charge of the <i>victim's</i> case.</p>	<p>For more information:</p> <p>https://www.cjc.org.sg/services/social-support/victim-assistance-scheme/</p>
Claiming an allowance for time spent in court (Criminal Procedure Code)	<p>Under the Criminal Procedure Code (Witnesses' Allowances) Regulations 2010, a witness may be able to claim an allowance for attendance in Court⁹⁵.</p>	

While this is not a service, the **Legal Toolkit for Witness (With a focus on vulnerable witnesses)** document⁹⁶ may be a useful resource to refer to. This document provides an overview of the criminal justice process, stages in a criminal trial, and the ways that vulnerable witnesses are protected in court.

⁹⁵ Criminal Procedure Code (Witnesses' Allowances) Regulations 2010 (<https://sso.agc.gov.sg/SL/CPC2010-S805-2010?DocDate=20140930#legis>).

⁹⁶ State Courts Singapore, "Legal Toolkit for Witnesses (with a focus on vulnerable witnesses)" (https://www.statecourts.gov.sg/cws/CriminalCase/Documents/General%20Legal%20Toolkit%20Handbook%20%28for%20Vulnerable%20Witnesses%29_Screen.pdf).

Services for Civil Matters Only

Organisation	Details	Contact
Community Justice Centre (On-site Legal Clinic)	<p>The Community Justice Centre offers On-site Legal Clinics for self-represented parties (i.e. litigant-in-persons) in civil actions.</p> <p><u>Duration:</u> Free one-off 20-minute consultations providing immediate basic legal advice and directions</p> <p><u>Operating Hours:</u> Monday to Friday (except Public Holidays), 10:00 a.m. to 12:30 p.m. and 2:30 p.m. to 5:00 p.m.</p> <p><u>Location:</u> Basement 1 of the State Courts Towers, 1 Havelock Square, S 059724</p> <p><u>Scope of legal service:</u> Limited to -</p> <ul style="list-style-type: none"> • Those seeking legal advice on a specific subject matter for the first time • Personal legal issues <p><u>Documents to bring along:</u></p> <ul style="list-style-type: none"> • Copy of ID for registration • Any other documents relevant to the legal issue 	<p>Website: https://www.cjc.org.sg/services/legal-services/on-site-legal-clinic-oslas/</p> <p>No appointment required; limited slots available daily on a 'first-come, first-served' basis.</p>

Legal Aid Bureau (LAB)	<p>Services provided:</p> <ul style="list-style-type: none"> - Legal advice (oral advice relating to Singapore law and suggest practical steps to take) - Legal aid (representation in civil proceedings) <p>Payment:</p> <ul style="list-style-type: none"> - Legal advice is free - Legal assistance / aid requires contributions and the amount depends on certain factors⁹⁷ <p>How to qualify for legal assistance or legal aid?</p> <ol style="list-style-type: none"> 1. Means test I,e whether applicant's income meets requirements (See more details at https://lab.mlaw.gov.sg/legal-services/taking-the-means-test/) 2. Merits test I,e whether applicant has grounds to bring case to court (See more details at https://lab.mlaw.gov.sg/legal-services/taking-the-merits-test/) <p><i>*The Director of Legal Aid may refuse to grant legal aid even if the applicant passes both the Means test and Merits test</i></p> <p><i>**Applicants may contact the MinLaw Services Centre for further assistance if they do not pass the Means Test but cannot afford a lawyer</i></p>	<p>Website: https://lab.mlaw.gov.sg/</p> <p>Online services: https://eservices.mlaw.gov.sg/la/besvc/</p> <p>Physical: MinLaw Services Centre, https://lab.mlaw.gov.sg/about-us/contact-us/ (includes contact information)</p> <p>Further information: https://lab.mlaw.gov.sg/legal-services/type-of-services/</p>
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⁹⁷ See Ministry of Law, "Are all the legal services free?" (<https://lab.mlaw.gov.sg/legal-services/are-all-the-legal-services-free/>).

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